

**ASSEMBLY BILL**

**No. 9**

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**Introduced by Assembly Member Chavez**

December 4, 2000

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An act to add Section 35021.4 to the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 9, as introduced, Chavez. School safety: volunteers.

Existing law generally requires a person to be employed at a school in a position not requiring certification qualifications to be fingerprinted for purposes of a criminal history check by the Department of Justice.

Existing law authorizes a school district or county office of education to request records involving criminal offenses committed by a prospective volunteer and to request subsequent arrest notification for volunteers from the Department of Justice. Existing law requires the Department of Justice to process all requests from a school district, an employer, or a human resources agency for criminal history information on a volunteer to be used in a school pursuant to the provisions that relate to persons employed by a school district that do not require certification qualifications.

This bill would require the governing board of every school district and every county office of education to require each volunteer in a public school having direct contact with minors to immediately submit, or in the case of a new volunteer, to submit on or before the first day of his or her volunteer service, one set of fingerprints to the Department of Justice. The bill would prohibit a school district governing board or county office of education from allowing a person to provide volunteer

service that involves direct contact with minors for a school district unless the person complies with the fingerprinting requirements.

The bill would require the Department of Justice to furnish a criminal record summary to the governing board of the school district or county office of education for the volunteer submitting fingerprints and would authorize a reasonable fee to be charged to each applicant.

The bill would require the governing board of the school district and county office of education to maintain the confidential criminal record summary, as specified. The bill would require the governing board of the school district and a county office of education to request subsequent arrest service for volunteers from the Department of Justice and would require the Department of Justice to comply with those requests.

The requirements imposed by the bill on local educational agencies would constitute state-mandated local programs.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35021.4 is added to the Education Code,  
2 to read:  
3 35021.4. (a) The governing board of every school district  
4 and every county office of education shall require each volunteer  
5 having direct contact with minors to immediately submit, or in the  
6 case of a new volunteer, to submit on or before the first day of his  
7 or her volunteer service, one set of fingerprints to the Department  
8 of Justice. A school district governing board or county office of  
9 education shall not allow any person to provide volunteer service



1 that involves direct contact with minors for the school district or  
2 county office of education unless the person complies with the  
3 requirements of this section.

4 (b) The Department of Justice shall furnish a criminal record  
5 summary to the governing board of the school district or county  
6 office of education for the volunteer submitting fingerprints  
7 pursuant to subdivision (a). The criminal record summary shall  
8 contain only arrests resulting in a conviction and arrests pending  
9 final adjudication. The criminal record summary furnished to the  
10 governing board of the school district or county office of education  
11 is confidential, and shall be maintained by the governing board of  
12 the school district or county office of education in a locked file  
13 separate from other files, and shall only be accessible to the  
14 custodian of records. The governing board of the school district or  
15 county office of education shall comply with all applicable laws  
16 and regulations governing the use and security of criminal  
17 offender record information.

18 (c) The Department of Justice may charge each applicant for a  
19 criminal record summary a reasonable fee to cover costs  
20 associated with the processing of the criminal record summary. In  
21 no event shall the fee exceed the actual costs incurred by the  
22 department. Nothing in this section prohibits the school district or  
23 county office of education from paying the applicant charge or  
24 reimbursing the charge to the volunteer.

25 (d) The governing board of the school district or county office  
26 of education shall request subsequent arrest service from the  
27 Department of Justice as provided under Section 11105.2 of the  
28 Penal Code. The Department of Justice shall comply with all  
29 requests for subsequent arrest service made by the governing  
30 board of a school district or county office of education pursuant to  
31 this section.

32 (e) This section shall not apply to secondary school pupils  
33 employed in a temporary or part-time position by the governing  
34 board of the school district or county office of education having  
35 jurisdiction over the school they attend.

36 SEC. 2. Notwithstanding Section 17610 of the Government  
37 Code, if the Commission on State Mandates determines that this  
38 act contains costs mandated by the state, reimbursement to local  
39 agencies and school districts for those costs shall be made pursuant  
40 to Part 7 (commencing with Section 17500) of Division 4 of Title

1 2 of the Government Code. If the statewide cost of the claim for  
2 reimbursement does not exceed one million dollars (\$1,000,000),  
3 reimbursement shall be made from the State Mandates Claims  
4 Fund.

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